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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 EDWARD T. BERGO as CHAIRMAN and
12 KARL BIK as CO-CHAIRMAN of the
13 BOARD OF TRUSTEES FOR THE CEMENT
14 MASONS HEALTH AND WELFARE TRUST
15 FUND FOR NORTHERN CALIFORNIA;
CEMENT MASONS VACATION/HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS
PENSION TRUST FUND FOR NORTHERN
CALIFORNIA; and CEMENT MASONS
APPRENTICESHIP AND TRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

16 Plaintiffs,
17
18 vs.
19

20 S. J. WEAVER CONTRACTING, INC., a
California corporation; and STEVEN J.
WEAVER, an Individual,

21 Defendant.

CASE NO. C-04-4723 SI
Assigned to Hon. Susan Illston for all
purposes.

JOINT STIPULATION TO CONTINUE
DEADLINE FOR FILING REVISED
DECLARATION OF COUNSEL IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND RULE 11
SANCTIONS; [PROPOSED] ORDER
THEREON

Complaint Filed: 11/04/04
Judgment Entered: 08/09/06

23 Pursuant to Local Rules 7-1 and 7-2 of the United States District Court for the Northern
24 District of California, IT IS HEREBY STIPULATED by and between Plaintiffs EDWARD T.
25 BERGO as CHAIRMAN and KARL BIK as CO-CHAIRMAN of the BOARD OF TRUSTEES
26 FOR THE CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
27 CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR
28 NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR

1 NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND TRAINING
 2 TRUST FUND FOR NORTHERN CALIFORNIA ("Plaintiffs") through the law offices of
 3 Stanton, Kay & Watson, by James P. Watson, their attorney of record, and Defendant STEVEN
 4 J. WEAVER ("Defendants") through the law offices of Atkinson, Andelson, Loya, Ruud &
 5 Romo, by Thomas W. Kovacich, his attorney of record, to the following:

- 6 1. WHEREAS, the Court entered judgment for Weaver on August 9, 2006;
- 7 2. WHEREAS, Weaver filed his Motion for Attorneys' Fees and Rule 11 Sanctions
 (the "Motion") in this matter on August 23, 2006;
- 8 3. WHEREAS, Plaintiffs filed their Notice of Appeal (the "Appeal") of this matter
 on September 7, 2006;
- 9 4. WHEREAS, on October 3, 2006, the Court issued its order granting Weaver's
 Motion in part and denying it in other part and also vacating the hearing scheduled for October 6,
 10 2006;
- 11 5. WHEREAS, the Court's October 3, 2006 order required that Weaver's counsel
 submit a supplemental declaration of counsel to conform to said order's requirements on or
 before October 13, 2006;
- 12 6. WHEREAS, the parties have tentatively agreed to settle their respective disputes
 and to entered into full and complete mutual releases, to dismiss this action in its entirety with
 prejudice, including Weaver's Motion for Attorneys' Fees and Plaintiffs' Appeal;
- 13 7. WHEREAS, Weaver's counsel prepared and transmitted draft settlement
 documents to Plaintiffs' counsel on October 18, 2006, but have not yet received the executed
 settlement agreement or requests for dismissal from Plaintiffs.
- 14 8. WHEREAS, a further continuance of approximately thirty (30) days for Weaver's
 counsel to submit the supplemental declaration of counsel is warranted in order to allow the
 parties to finalize the settlement documents and file appropriate dismissals, thereby conserving
 time and expenses for the Court and parties.

15 **NOW, THEREFORE** the parties hereby agree as follows:

16 The deadline for the filing of the supplemental declaration of Weaver's counsel in

1 support of Weaver's motion for attorneys' fees, currently due on or before November 13, 2006,
2 should be continued to December 13, 2006.

3 DATED: November 9, 2006

4 STANTON, KAY & WATSON

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6 By: /S/
7 James P. Watson
Attorneys for Plaintiffs

8 DATED: November 9, 2006

9 ATKINSON, ANDELSON, LOYA, RUUD & ROMO

10
11 By: /S/
12 Thomas W. Kovacich
13 Attorneys for Defendant STEVEN J. WEAVER

14 **[PROPOSED] ORDER**

15 Having read the above set forth Stipulation and good cause appearing therefore:

16 **IT IS HEREBY ORDERED** that:

17 The deadline for the filing of the supplemental declaration of Weaver's counsel in
18 support of Weaver's Motion for Attorneys' Fees, currently due on or before November 13, 2006,
19 shall be continued to December 13, 2006.

20 **IT IS SO ORDERED.**

21 DATED: _____



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23 HON. SUSAN ILSTON
24 UNITED STATES DISTRICT JUDGE